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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,030

09/15/2003

Jeffrey S. Collins

5887-313U1

2536

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7590

08/18/2009

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EXAMINER

DEODHAR, OMKAR A

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

08/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/663,030	<b>Applicant(s)</b> COLLINS, JEFFREY S.	
	<b>Examiner</b> OMKAR A. DEODHAR	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-13 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Final Rejection**

#### ***Response to Arguments & Amendment***

Applicant's arguments have been considered but are not persuasive.

The crux of Applicant's argument is that Binkley's adjustable display fails to disclose or render obvious the claim limitation, "the display housing having a fixed orientation with respect to the rear-mounted support stand." Examiner respectfully disagrees. After a user changes the display orientation (i.e. moves the display to achieve a more comfortable viewing angle), the display housing is fixed with respect to the rear-mounted support stand until the user (or someone else) changes its orientation again. (See Examiner's suggestion below).

Applicant's amendment is indicated by bold text for clarity in the rejection below.

Since Examiner is currently not attempting to modify Binkley's adjustable display monitor to render obvious the claimed invention, Applicant's arguments directed towards eviscerating the object of Binkley are moot.

#### ***Examiner's Suggestion***

Whereas Binkley's display may have a fixed orientation with respect to the rear-mounted support stand, it does not have a permanent fixed orientation with respect to the stand, as in Applicant's invention. Were Applicant to claim this distinction, Binkley would fail to anticipate the invention. After briefly reviewing the Specification & Drawings, Examiner believes such an amendment would be enabled, but Applicant is requested to point out support if such an amendment is made.

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As always, such an amendment would require further search & consideration.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 8-11, 13 & 17-23 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Binkley (USPUB 2003/0060270).**

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**Claims 8-11, 13, 17-20, 23:**

**Binkley discloses:** a flatscreen touchscreen table-top amusement device comprising a display housing having a front, a rear, a top edge and a bottom edge, (Figure 1), the display housing being receivable and supportable by a rear-mounted support stand (Figures 2, 4 & 6);

a flatscreen touchscreen display disposed within the display housing, the flatscreen touchscreen display providing a reduced depth flatscreen display (Figure 1 & Paragraphs 24/27 discloses a touch screen 18a of LCD 16; the flatscreen is interpreted as a reduced depth display);

an amusement device controller disposed within the display housing, the amusement device controller being coupled to the touchscreen display and being configured to display and control at least one of electronic games, music, video and multi-media applications using the touchscreen display (Paragraphs 9, 10 & 53 teach the processor & memory for the game machine); and

the rear-mounted support stand configured to receive and support the display housing (Figure 6), the rear mounted support stand configured to receive a revenue system having at least one revenue acceptor portion (Paragraph 36, Figure 6, card reader 15 & payment apparatus 122 for receiving, storing and dispensing bills & coins), the rear mounted support stand and revenue system being generally aligned about a middle of the display housing, at least a portion of the revenue system being located behind the display housing between the top edge and the bottom edge of the display housing (Paragraph 40, Figure 6, members 22a & 22b move along the length of

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recesses 23a & 23b to move the monitor into the desired position relative to base 12.

When the display is moved downwards, part of the revenue system 15 is located behind the display),

Regarding the claim limitation of each revenue acceptor portion being simultaneously accessible with the front of the display housing at all times, when Binkley's display screen 16 is not rotated downwards, card reader 15 & payment apparatus 122 are accessible, as shown in Figure 6. But, applicant's claims require part of the payment mechanism located behind the display housing. When Binkley's display 16 is rotated downwards, part of the payment apparatus 15 would be located behind the display, *possibly* rendering the card reader inaccessible. The Examiner uses the word "possibly" advisedly because it would be possible to rotate the display downward such that a portion of the display's bottom edge overlaps the top edge of card reader 15, but does not preclude access to the card reader. In this scenario, Binkley anticipates the claimed invention.

It is conceivable that moving the display downward would prevent access to either or both of apparatuses 15 & 122. In this scenario, Applicant's claim limitation would not be taught. But, it would have been a matter of obvious design choice to a person of ordinary skill in the art at the time of Applicant's invention to position Binkley's payment apparatuses 15 & 122 in such a manner that a portion of their respective housings would be located behind the display but would still be accessible to a user at all times. As explained in the Interview held on March 4, 2009, drawings are not to scale & the dashed portion of apparatus 122 (Figure 6) could be rotated upwards such that it

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resides behind the display's hinge mechanism. Alternately, card reader 15 could be positioned on the top portion of the support stand such that a portion of it is located below & behind the top edge of the display while permitting access to the reader.

The placement of components in or about the game machine assembly is certainly within the level of ordinary skill in the art & yields predictable results. Given that casinos profit from collecting player monies, it is in the casino's best interest to provide convenient access to payment apparatuses -- it would be unwise to prevent access to a card or currency acceptor. Modifications to the prior art yielding predictable results are considered obvious.

**Regarding the newly added claim limitation, the display housing having a fixed orientation with respect to the rear-mounted support stand:** After a user changes the display orientation (i.e. moves the display to achieve a more comfortable viewing angle), the display housing is fixed with respect to the rear-mounted support stand until the user (or someone else) changes its orientation again.

**Claims 21 & 22:**

Paragraph 36 teaches the payment apparatus 122 for accepting coins. It is a coin hopper & is located behind the flatscreen display.

**Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley (USPUB 2003/0060270), as applied to claim 11.**

Binkley discloses and illustrates in both Figures 5 and 6 a coin acceptance slot 122" on the 'front' side of the rear-mounted support bracket. However, Binkley fails to explicitly disclose that the coin acceptance 'slot' is located on the top front facing section

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of the rear-mounted support stand above a top edge of the display housing. It would have been a matter of obvious design choice to one of ordinary skill in the art at the time of Applicant's invention to position the coin acceptance slot in the claimed manner. This is a mere design consideration failing to patentably distinguish over the prior art.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **OMKAR A. DEODHAR** whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OAD/

/Corbett Coburn/  
Primary Examiner  
AU 3714